REMARKS

Claims 1-19 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 7, 8, 10, 11, and 14-19 to further clarify the invention.

I.   Summary of the Office Action

Claims 1-4 and 7-19 presently stand rejected. Claims 5 and 6 are allowed. Specifically, claims 1-4 and 7-19 are rejected under 35 U.S.C. § 112, first paragraph. Claim 11 is rejected under 35 U.S.C. § 112, second paragraph and claims 1-4, 7-9, and 12-17 are rejected under 35 U.S.C. § 103(a).

II.   Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 1-4 and 7-19 are rejected under 35 U.S.C. § 112, first paragraph. In particular, the Examiner contends that the term "predetermined" is not supported by the specification (*see* page 3 of the Office Action). Applicant does not acquiesce to the Examiner's reasons for rejecting the claims. However, as a path of least resistance, Applicant amends the claims to delete the objected terminology. In view of these self-explanatory claim amendments, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1-4 and 7-19.

III.   Claim Rejections under 35 U.S.C. § 112, second paragraph

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph. Applicant thanks the Examiner for pointing out, with particularity, the aspects of the claim thought to be indefinite. Applicant respectfully requests the Examiner to withdraw this rejection of claim 11 in view of the self-explanatory claim amendments being made herein.

IV.   Prior Art Rejections

Claims 1-4, 7-9 and 12-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over "A Method for MPLS LSP Fast-Reroute Using RSVP Detours" by Gan et al., IETF, Internet

Draft, draft-gan-fast-reroute-00,txt, April 10, 2001 (hereinafter "Gan"). Applicant respectfully

traverses these grounds of rejection at least in view of the following exemplary comments.

Independent claim 1 *inter alia* recites: "wherein said Path_Tear Message comprises a tag

indicating, to the router receiving said Path_Tear Message, which of Label Switched Paths

available to the receiving router are to be released."

In conventional techniques, for the merging routers (routers in which main and detour

LSPs merge), it is hard to determined which path to release. Accordingly, the merging router

needs to receive Path_Tear Messages via both paths to know that these paths are to be

disconnected. On the other hand, when the merging router receives a Path_Tear message via a

detour path only (as opposed to both paths), the merging router will not know whether both paths

or only the detour path is to be torn down. Accordingly, the merging router waits for a timeout

period before forwarding the Path_Tear Message downstream.

In an exemplary, non-limiting embodiment of the present invention, however, a tag is

provided in the Path_Tear Message that indicates which path(s) available to the receiving router

are to be torn down and as such no timeout period is necessary. In other words, the receiving

router may have a main path and one or more detour paths. A tag in the Path_Tear Message

indicates which paths (the main path and/or one or more of the detour paths) are to be torn down.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the

remarks are not necessarily limitative of any claims and are intended only to help the Examiner

better understand the distinguishing aspects of the claim mentioned above.

The Examiner contends that claim 1 is directed to a release method and is anticipated by Gan. Specifically, the Examiner contends that Gan's disclosure of a Path_Tear Message _itself_ anticipates the tag as set forth in claim 1 (_see_ page 10 of the Office Action). The Examiner, however, acknowledges that Gan does not disclose or suggest having an indicator that will indicate which of the paths (_i.e._ detour and/or main) are to be torn down.

Indeed, Gan only discloses that when the branching node receives a PathTear message from upstream, it MUST tear-down both the main and detour LSP's. The PathTear messages _must_ propagate in both the main and detour LSP's (page 10 § 4.2). In other words, Gan is no different from the conventional techniques, which discloses propagating the message in each of the available paths. In Gan, there is no disclosure or suggestion that the PathTear message indicates which of the available paths are to be torn down. In Gan, there is no indicator in the PathTear message that indicates which of the paths of the receiving router are to be torn down.

Therefore, "wherein said Path_Tear Message comprises a tag indicating, to the router receiving said Path_Tear Message, which of Label Switched Paths available to the receiving router are to be released," as set forth in claim 1 is not disclosed or suggested by Gan. For at least these exemplary reasons, claim 1 is patentable over Gan. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-4, 14, and 15.

Next, independent claims 7 and 16 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claims 7 and 16 are

patentable over Gan. Claims 8, 9, 12, and 13 are patentable at least by virtue of their dependency on claim 7 and claim 17 is patentable at least by virtue of its dependency of claim 16.

V.   Allowable Subject Matter

Claims 5 and 6 are allowed. Claims 10, 11, 18, and 19 are not rejected over any of the prior art of record and as such contain allowable subject matter.

VI.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to set up an interview**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: November 9, 2007